

SOCIAL MEDIA 101

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SOCIAL MEDIA BASICS - 3 things

DISCLAIMERS

HISTORY OF COMMUNICATION

What is it

SOCIAL MEDIA

Definition of social media

: forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos)

SOURCE: Merriam Webster

Alternatively referred to as a virtual community or profile site, a **social network** is a website that brings people together to talk, share ideas and interests, or make new friends. This type of collaboration and sharing of data is often referred to as **social media**.

FACEBOOK
LIVE

Instagram is another best Social media app idea which has become a sensation, it has now at least 700 million users around the globe it has been increasing day by day with the new developments Instagram is coming up with for engaging its users more

LinkedIn is a huge mobile social media app for the professionals around the globe. It is extremely easy for the users to promote themselves and their business. They can increase their business connections while connecting with other professionals

YouTube is the second largest search engine, however, owned by Google itself. Though it can be recognized as totally separate mobile social media app which is expert in video streaming and also uploading the videos. From music to movies to personal videos to independent films, you name it and YouTube has it

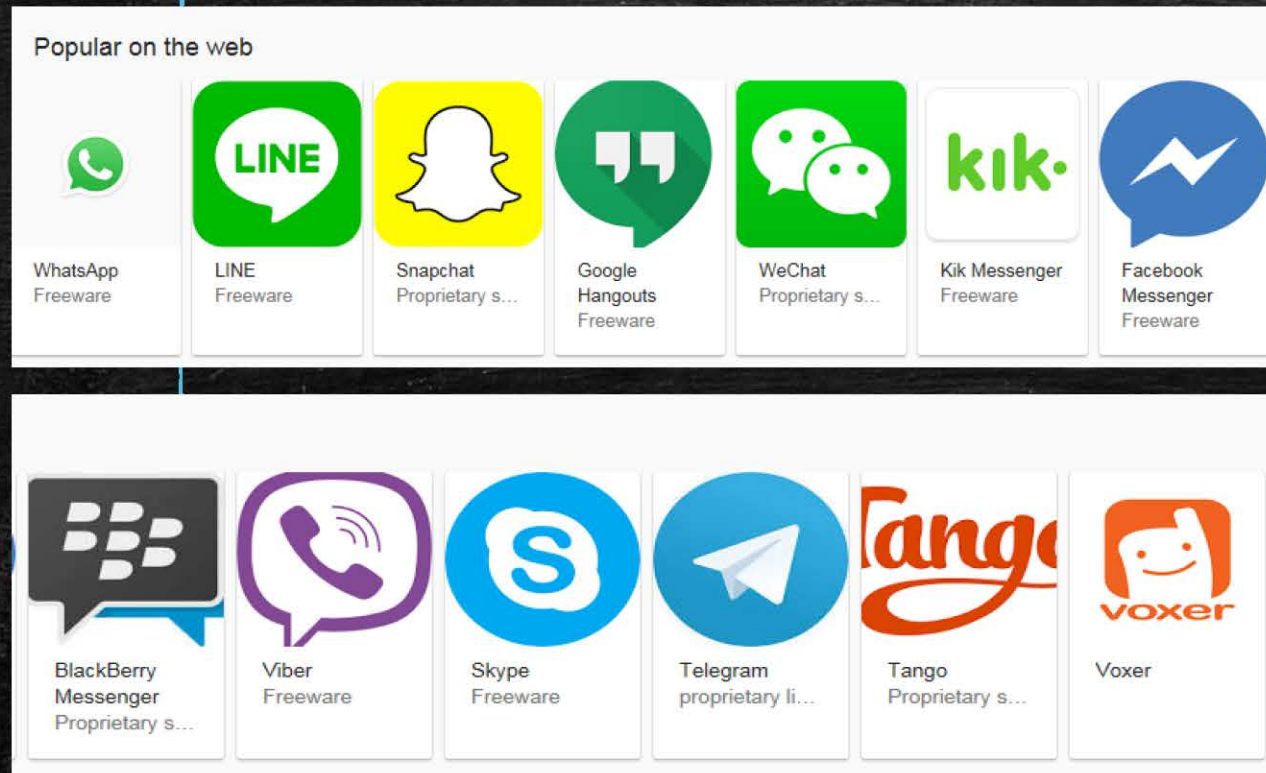
CHAT APPS

Apps that enabling Messaging

Messaging apps differ from the previous generation of [instant messaging](#) platforms like the defunct [AIM](#), [Yahoo! Messenger](#), and [Windows Live Messenger](#), in that they are primarily used via [mobile apps](#) on [smartphones](#) as opposed to personal computers, although some messaging apps offer web-based versions or software for PC operating systems.

SOURCE: Wikipedia

CHAT APPS



E.G.

1. Messenger
2. What's App
3. WeChat
4. SnapChat
5. Kik

WeChat has crossed 70 million monthly users however, users are sliding down continuously. Talk about the position then the social media app like WeChat is below to WhatsApp

Kik is another famously favorite of the users when it comes to instant messaging mobile app. This mobile social media app is capable of providing a platform for chat via Kik username instead of the phone numbers.

MISC - Gaming



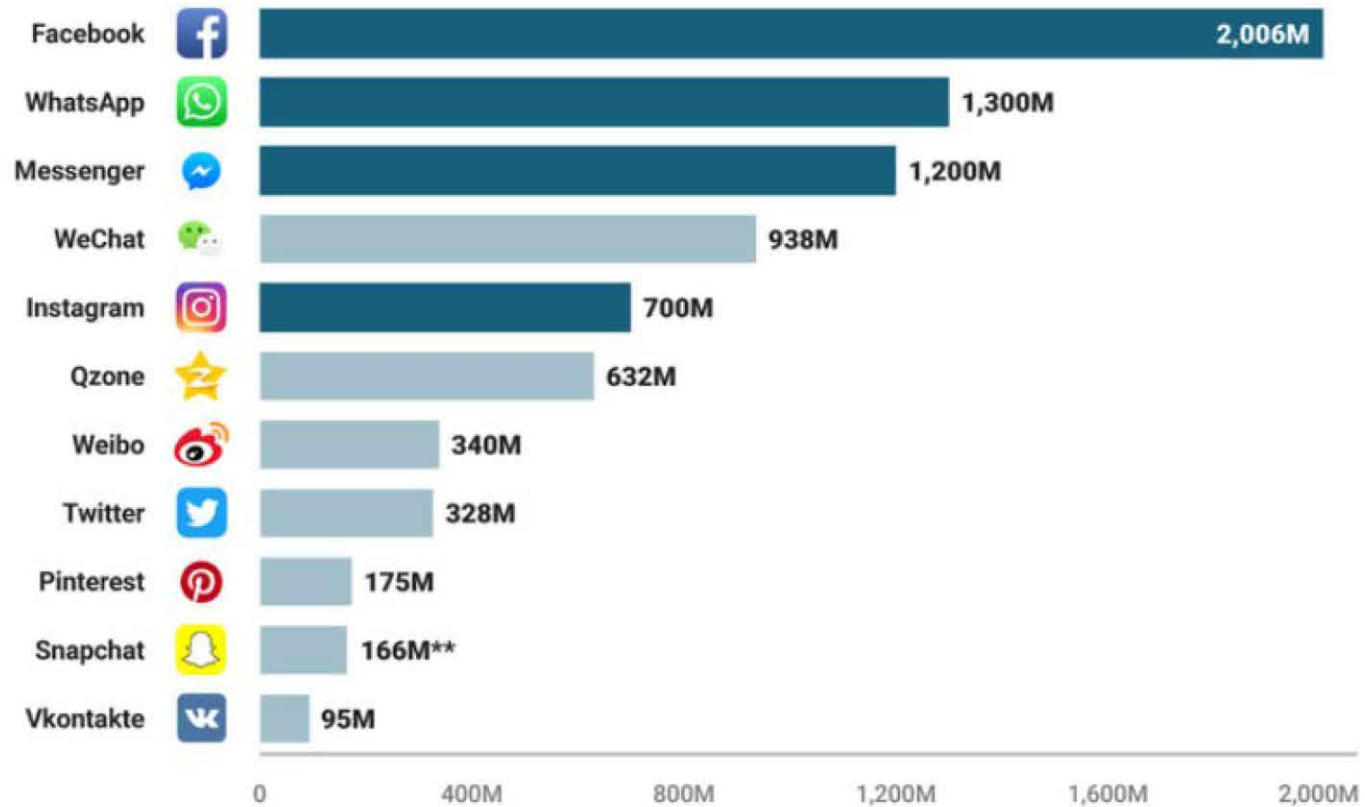
E.G.
1. Fortnite

:)	Small smiley	ATB	All the best	EVRY1	Everyone	L8R	Later	SPK	Speak
:-)	Big smiley	ATM	At the moment	FTTB	For the time being	LMK	Let me know	SUM1	Someone
:-D	Laughter	B	Be	FYI	For your info	LOL	Laughing out loud	SUP?	What's up?
:-X	Kiss	B4	Before	GR8	Great	LUV	Love	THX	Thanks
;-)	Winking smiley	B4N	Bye for now	GTG	Got to go	LYL	Love you lots	U	You
:-{	Sad face	BCNU	Be seeing you	H&K	Hug and kiss	M8	Mate	UR	You are
:-O	Surprised	BCOZ	Because	VH8	Hate	MOB	Mobile	URAQT	You are a cutie!
4	For	BRB	Be right back	IAC	In any case	MSG	Message	WIV	With
+LY	Positively	BRT	Be right there	IDK	I don't know	NE1	Anyone	WKND	Weekend
2DAY	Today	BTW	By the way	IMO	In my opinion	NO1	No-one	WOT	What's up?
2MORO	Tomorrow	CIO	Check it out	IOH	I'm outta here	NRN	No reply necessary	XOXOX	Hugs and kisses
2NITE	Tonight	CSL	Can't stop laughing	IOW	In other words	OIC	Oh I see	YNK	You never know
AFAIK	As far as I know	CUL8R	See you later	IYD	In your dreams	PLS	Please		
AMBW	All my best wishes	DGT	Don't go there	KIT	Keep in touch	R	Are		
ASAP	As soon as possible	DKDK	Don't know, don't care	L8	Late	RU OK?	Are you okay?		

SOCIAL MEDIA

FACEBOOK DOMINATES THE SOCIAL MEDIA LANDSCAPE

Monthly active users of selected social networks and messaging services*



SOURCE: Company data *Latest data (Dec '16–Jul '17) **Daily active users

statista BUSINESS INSIDER

% of U.S. adults who use each social media platform

	Facebook	Instagram	LinkedIn	Twitter
Total	68%	35%	25%	24%
Men	62%	30%	25%	23%

% of U.S. adults who use ...

Facebook Pinterest Instagram LinkedIn Twitter Snapchat YouTube WhatsApp

1/10/2018 68% 29% 35% 25% 24% 27% 73% 22%

Source: Source: Survey conducted Jan. 3-10, 2018.

PEW RESEARCH CENTER

The Reality

- Adults Ages 21- 37
- 92% own smartphones
- 85% use social media
- 52% IG
- 47% Snap
- NOTE: 97% use the internet (28% are smartphone only)
- Adults Ages 38-53
- 85% own smartphones
- 75% use social media
- Adults Ages 54-72
- 67% own smartphones
- 57% use social media

Stats from 2018 January Study by PewResearch

THE CRIMINALS USE IT.

WHICH SOCIAL MEDIA TO FOCUS ON?

INTEL GATHER

Why It's Not a Good Idea to Brag About Pimping on Facebook

Eric Dejuan McMillian of Oakland received a seven-year sentence today for attempted human trafficking and pimping ... while he was out on parole for pimping.

By Penny Arévalo | June 4, 2014 at 3:00 pm | 0



An Oakland man on parole for pimping in Orange County was sentenced today to seven years in state prison for attempted human trafficking and pimping.

BURGLARY – DUI – ETC

Facebook Chat Led to NJ Burglary: Police

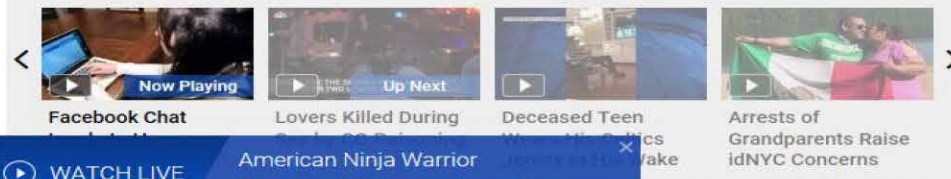
A Facebook chat with a family friend resulted in a burglary, the victim says

By Pei-Sze Cheng

Published at 10:30 AM EDT on Mar 25, 2012 | Updated at 8:53 AM EDT on Mar 26, 2012



Two siblings are charged for the incident in Park Ridge, N.J. Police say the victims and the suspects know each other. Pei-Sze Cheng reports. (Published Sunday, March 25, 2012)



Intel

FIND ADDITIONAL Wits/Vics

Exif Viewers

THE CRIME ITSELF

PC 136.1 Witness Int.

CORROBORATION

Corroboration

ID

1101-Motive/Knowledge/Intent

The evidence was probative of defendant's state of mind and criminal intent, as well as his membership in a criminal gang and his loyalty to it. The songs showed that defendant's gang had the motive and intent to kill Sureños. This evidence, although anticipatory, was explicitly relevant to the charges against defendant. (See *People v. Olguin* (1994) 31 Cal.App.4th 1355, 1372-1373, 37 Cal.Rptr.2d 596 [trial court properly admitted over Evidence Code section 352 objection rap lyrics written by defendant that demonstrated his membership in a gang, his loyalty to it, his familiarity with gang culture and, inferentially, his motive and intent on the day of the killing].)

People v. Zepeda, 167 Cal. App. 4th 25, 35, 83 Cal. Rptr. 3d 793, 801 (2008)

Subculture

CAPTURE THE EVIDENCE-POSTS

Example of L.E.Guides

CAPTURE THE EVIDENCE-POSTS

CAPTURE THE EVIDENCE-POSTS

CAPTURE THE EVIDENCE-Video

*****Interviews*****

AUTHENTICATE

EC 1400

- Authentication of a writing means (a) the introduction of evidence sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is or (b) the establishment of such facts by any other means provided by law.

EC 1401

- (a) Authentication of a writing is required before it may be received in evidence.
- (b) Authentication of a writing is required before secondary evidence of its content may be received in evidence.

EC 1552

- (a) A printed representation of computer information or a computer program is presumed to be an accurate representation of the computer information or computer program that it purports to represent. This presumption is a presumption affecting the burden of producing evidence. If a party to an action introduces evidence that a printed representation of computer information or computer program is inaccurate or unreliable, the party introducing the printed representation into evidence has the burden of proving, by a preponderance of evidence, that the printed representation is an accurate representation of the existence and content of the computer information or computer program that it purports to represent.

Cal. Evid. Code § 1552 (West)

EC 1553

- A printed representation of images stored on a video or digital medium is presumed to be an accurate representation of the images it purports to represent. This presumption is a presumption affecting the burden of producing evidence. If a party to an action introduces evidence that a printed representation of images stored on a video or digital medium is inaccurate or unreliable, the party introducing the printed representation into evidence has the burden of proving, by a preponderance of evidence, that the printed representation is an accurate representation of the existence and content of the images that it purports to represent.

Cal. Evid. Code § 1553 (West)

People v. Goldsmith 59 Cal. 4th 258

- As with other writings, the proof that is necessary to authenticate a photograph or video recording varies with the nature of the evidence that the photograph or video recording is being offered to prove and with the degree of possibility of error.
- This foundation may, but need not be, supplied by the person taking the photograph or by a person who witnessed the event being recorded.
- It may be supplied by other witness testimony, circumstantial evidence, content and location.

People v. Olquin 31 Cal.App.4th 1355

- Despite these facts pointing to Mora as their creator, he argues they were inadequately authenticated. We disagree. While Mora assumes authentication can be accomplished only through statutorily created means, Evidence Code section 1410 provides, “Nothing in this article shall be construed to limit the means by which a writing may be authenticated or proved,” and California courts have never considered the list set forth in Evidence Code sections 1410-1421 as precluding reliance upon other means of authentication. (*Young v. Sorenson* (1975) 47 Cal.App.3d 911, 915 [121 Cal.Rptr. 236] *1373 [circumstantial evidence may be used for authentication].) Both the content and location of these papers identified them as the work of Mora. (*People v. Ramsey* (1948) 83 Cal.App.2d 707, 722 [189 P.2d 802], disapproved on other grounds in *People v. Brown* (1958) 49 Cal.2d 577, 584 [320 P.2d 5].) Unlike *O’Laskey v. Sortino* (1990) 224 Cal.App.3d 241 [273 Cal.Rptr. 674], upon which he relies, this was not a case in which the date of creation of the work was critical. Regardless of whether these lyrics were written before or after the killing, they were adequately authenticated as the work of Mora. As such, they demonstrated his membership in Southside, his loyalty to it, his familiarity with gang culture, and, inferentially, his motive and intent on the day of the killing. The trial court properly admitted them, carefully limiting them to those purposes.

People v. Olquin, 31 Cal. App. 4th 1355, 1372–73, 37 Cal. Rptr. 2d 596 (1994)

Olquin continued...

- 352 violation?
 - This was a crime alleged to be gang related. Gang membership was obviously important, and evidence tending to show it was highly relevant. (*People v. Maestas, supra*, 20 Cal.App.4th at p. 1497, and cases cited therein.) The mere fact the lyrics might be interpreted as reflective of a generally violent attitude could not be said “substantially” to outweigh their considerable probative value. It looks to us like the trial court got it right; certainly it has not been shown there was any abuse of discretion.⁴

People v. Olquin, 31 Cal. App. 4th 1355, 1373, 37 Cal. Rptr. 2d 596 (1994)

In Re K.B. 238 Cal.App.4th 989

- First:
 - “A photograph or video recording is typically authenticated by *995 showing it is a fair and accurate representation of the scene depicted. [Citations.]” (*Id.* at p. 267, 172 Cal.Rptr.3d 637, 326 P.3d 239.) This foundation may—but need not be—supplied by the photographer or by a person who witnessed the event being recorded; in addition, authentication “may be supplied by other witness testimony, circumstantial evidence, content and location” and “also may be established ‘by any other means provided by law’ ([Evid.Code,] § 1400), including a statutory presumption. [Citation.]” (*Goldsmith*, at p. 268, 172 Cal.Rptr.3d 637, 326 P.3d 239.)

In re K.B., 238 Cal. App. 4th 989, 994–95, 190 Cal. Rptr. 3d 287, 291 (2015)

In re K.B. 238 Cal.App.4th 989

- Second:

- Essentially, what is necessary is a prima facie case. 'As long as the evidence would support a finding of authenticity, the writing is admissible. The fact conflicting inferences can be drawn regarding authenticity goes to the document's weight as evidence, not its admissibility.' [Citation.]" (*Goldsmith, supra*, 59 Cal.4th at p. 267, 172 Cal.Rptr.3d 637, 326 P.3d 239.)

In re K.B., 238 Cal. App. 4th 989, 995, 190 Cal. Rptr. 3d 287, 292 (2015)

In Re K.B. 238 Cal.App.4th 989

- Warning (Court rejected it...but beware):
 - the record does not contain ... evidence sufficient to sustain a finding that it is the photograph that the prosecution claims it is, namely, an accurate depiction of [the girlfriend] actually flashing a gang sign. [The police officer] could not testify from his personal knowledge that the photograph truthfully portrayed [the girlfriend] flashing the gang sign and ... no expert testified that the picture was not a "composite" or "faked" photograph. Such expert testimony is ... critical today to prevent the admission of manipulated images...." (*Ibid.*)

In re K.B., 238 Cal. App. 4th 989, 996, 190 Cal. Rptr. 3d 287, 292 (2015)

In Re K.B. 238 Cal.App.4th 989

- Furthermore, reading *Beckley* as equating authentication with proving genuineness would ignore a fundamental principal underlying authentication emphasized in *Goldsmith*. In making the initial authenticity determination, the court need only conclude that a prima facie showing has been made that the photograph is an accurate representation of what it purports to depict. The ultimate determination of the authenticity of the evidence is for the trier of fact, who must consider any rebuttal evidence and balance it against the authenticating evidence in order to arrive at a final determination on whether the photograph, in fact, is authentic. As our Supreme Court explained in *Goldsmith*, " '[t]he fact conflicting inferences can be drawn regarding authenticity goes to the document's weight as evidence, not its admissibility.' [Citation.]" (*Goldsmith, supra*, 59 Cal.4th at p. 267, 172 Cal.Rptr.3d 637, 326 P.3d 239.)

In re K.B., 238 Cal. App. 4th 989, 997, 190 Cal. Rptr. 3d 287, 293 (2015)

People v. Valdez 201 Cal.App.4th 1429

- But the proponent's threshold authentication burden for admissibility is *not* to establish validity or negate falsity in a categorical fashion, but rather to make a showing on which the trier of fact reasonably could conclude the proffered writing is authentic.

People v. Valdez, 201 Cal. App. 4th 1429, 1437, 135 Cal. Rptr. 3d 628, 634 (2011)

Step 1

- How you want it introduced

Step 2 – Relevance

- the prosecution was entitled to rebut it by showing that defendant is steeped in the pimping culture, thus undermining the claim that defendant was merely an innocent bystander. And that is precisely what the texts with third parties did.

They showed him using pimp terminology, bragging about the money he was making, recruiting, exhibiting knowledge of high prostitution areas, and scheduling his work around prostitution dates. This evidence informed the jury that when defendant apparently acted as Dakota's pimp on June 14, 2013, he was not a victim of his own ignorance, but was deliberately acting the part of the pimp.

People v. Scally, 243 Cal. App. 4th 285, 293, 196 Cal. Rptr. 3d 310, 316 (2015)

1561 Evidence Code

- EC 1561 and EC 1562:
 - Specific Requirements
 - Must comply with EC 1271

Step 3

- Authenticate –

Step 4

- Display

Challenges

Challenges

- 1101
- 352

Challenges

- Authenticate
- 352
- 1101

Hearsay

Adoptive admission...?

CELL PHONES

Cell Phones -

- SB 178/CAL ECPA/1546

Cell Phones

Financial Transactions – Apps

THANKS – QUESTIONS?
